



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,296	03/05/2002	Randell L. Mills	62281-REL	2830
20736	7590	09/08/2004	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			SMITH, JOHNNIE L	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,296

Applicant(s)

MILLS, RANDELL L.

Examiner

Johnnie L Smith II

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In light of the amendment filed 05/2004, the rejection of claim 7 and 9, 10, 12-19 under 5 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter, is withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 3-10 and 12-20 are rejected under 35 U.S.C. § 101 because the disclosed invention is inoperative and therefore lacks utility.
4. The method and apparatus as claimed are well known in the art for directing electron beams in applications such as electron beam lithography system and it is known that No antigravitational effects occur. Such effects would have disrupted the operation of such a system. The electron gravitation mass has been measured at $m = 9.11 \times 10^{-31}$ kg and is known to be three dimensional spherical shell, Not two-dimensional plane wave. Therefore, the gravitational mass and the space-time

curvature of the electrons are Not affected by the electric, magnetic and/or electromagnetic fields disclosed by applicant.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure as explained above. Claims 3-10 and 12-20 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 3-10 and 12-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 90/16073 (Mills) 12/1990. Mills discloses a method of providing a repulsive force from a gravitating mass comprising the steps of: providing an element of matter; forming said element of matter into negative curvature wherein a repulsive force away from said gravitating mass is created;

applying energy from an energy source to said element of matter having negative curvature; applying a field from a field source to said element of matter having negative curvature; receiving the repulsive force on said field source from the said element of matter in response to the force provided by said gravitating mass and said element of matter (see claims).

9. Claims 3-10 and 12-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 95/32021 (Mills) 11/1995. Mills discloses a method of providing a repulsive force from a gravitating mass comprising the steps of: providing an element of matter; forming said element of matter into negative curvature wherein a repulsive force away from said gravitating mass is created; applying energy from an energy source to said element of matter having negative curvature; applying a field from a field source to said element of matter having negative curvature; receiving the repulsive force on said field source from the said element of matter in response to the force provided by said gravitating mass and said element of matter (see claims).

Response to Arguments

10. Applicant's arguments filed 05/2004 have been fully considered but they are not persuasive. In response to applicant's argument that the invention fully

complies with Section 101, the examiner maintains that the method and apparatus being claimed is well known in the art for directing electron beams in applications such as electron beam Lithography system. Accordingly it is also well known that No antigravitational effects occur. Applicant's argument that the amendment filed 05/2004 overcomes the rejection over W090/16073 and WO9532021. The WO documents qualify under 35 U.S.C 102(b) and discloses almost identical claims as presented by applicant. Even in light of the amendment to the claims, all of the elements are disclosed in the cited documents. The amendment of changing the term "element of matter" to read "electron" does not overcome the reference since such limitations are presented in the cited references (claims 1 and 2). Accordingly the rejections of claims 3-10 and 12-20 rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 90/16073 (Mills) 12/1990 and/or WO 95/32021 (Mills) 11/1995 stand.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnnie L Smith II whose telephone number is 571-272-2481. The examiner can normally be reached on Monday-Thursday 7-4 P.M. and Alternate Fridays.

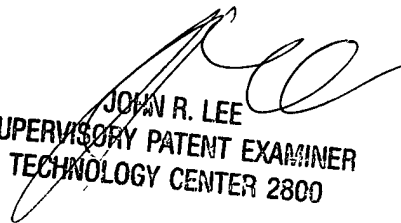
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JLSII

Johnnie L Smith II
Examiner
Art Unit 2881



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800